



**Board of Commissioners of Cook County
Report of the Finance Subcommittee on Litigation**

Tuesday, February 18, 2014

11:00 AM

*Cook County Building, Board Room, 569
118 North Clark Street, Chicago, Illinois*

SECTION 1

ATTENDANCE

Present: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioners Collins and Tobolski (2)

Also Present: Commissioners Butler, Garcia, Goslin and Reyes; Daniel F. Gallagher – Chief, Civil Actions Bureau; Donald J. Pechous – Deputy Bureau Chief, Civil Actions Bureau; Megan E. DeZutti, Michael A. Kuczwara, Jr, Mary Jo Smerz and Sandra J. Weber – Assistant State's Attorneys; Joyce Schoonover – Director of Risk Management, Cook County Health and Hospitals System; Patrick Connelly – Attorney-at-Law, Peterson, Johnson & Murray, LLC

Court Reporter: Anthony W. Lisanti, C.S.R.

PUBLIC TESTIMONY

The Secretary announced that there were no public speakers.

Vice Chairman Fritchey, seconded by Commissioner Gainer, moved to enter into Executive Session. The motion carried.

Vice Chairman Fritchey, seconded by Commissioner Gainer, moved to return to Regular Session. The motion carried.

Sponsored by: LARRY SUFFREDIN and PETER N. SILVESTRI, County Commissioner

PROPOSED RESOLUTION

SUBSTITUTE PROPOSED RESOLUTION FOR FILE ID 13-2213

Creating “Accountability Charges” for Violations of the Shakman Consent Decree

WHEREAS, violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

WHEREAS, payments for violations of the Shakman Consent Decree are deducted from the Cook County Self-Insurance Fund; and

WHEREAS, there is no financial penalty to individual departments that violate the Shakman Consent Decree; and

NOW THERE BE IT RESOLVED, that the Finance Committee’s Subcommittee on Litigation of the Cook County Board of Commissioners ~~Budget Director and the Chief Financial Officer of Cook County~~ shall develop a plan to assess an “Accountability Charge” against any Department that is found to be in violation of the Shakman Consent Decree in Fiscal Year 2013~~4~~ and future years; and

BE IT FURTHER RESOLVED, that the “Accountability Charge” plan shall be include a deduction in the operating funds of the Department ~~in an amount equal to five percent (5%) of the total amount assessed~~ for the violation of the Shakman Consent Decree and the deducted funds shall be transferred to the Cook County Self Insurance Fund;

~~**BE IT FURTHER RESOLVED**, that the Cook County Budget Director and the Chief Financial Officer of Cook County shall report to the Cook County Board of Commissioners about the establishment and implementation of “Accountability Charges” by March 1, 2014.~~

Legislative History : 11/13/13 Board of Commissioners referred to the Finance Committee

Legislative History : 12/4/13 Finance Committee referred to the Finance Subcommittee on Litigation

A motion was made by Commissioner Suffredin, seconded by Commissioner Gainer, moved to accept the substitute to Item 13-2213. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin
(5)

Absent: Commissioner Collins and Tobolski (2)

PROPOSED SUBSTITUTE RESOLUTION TO FILE ID 13-2213

Sponsored by: LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER, TIMOTHY O. SCHNEIDER AND PETER N. SILVESTRI, COOK COUNTY COMMISSIONERS

Creating "Accountability Charges" for Violations of the Shakman Consent Decree

WHEREAS, violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

WHEREAS, payments for violations of the Shakman Consent Decree are deducted from the Cook County Self-Insurance Fund; and

WHEREAS, there is no financial penalty to individual departments that violate the Shakman Consent Decree; and

NOW THEREFORE BE IT RESOLVED, that the Finance Committee's Subcommittee on Litigation of the Cook County Board of Commissioners approves a plan to assess an "Accountability Charge" against any Department that is found to be in violation of the Shakman Consent Decree in Fiscal Year 2014 and future years for any action occurring after January 1, 2014; and

BE IT FURTHER RESOLVED, that the "Accountability Charge" approved plan includes a deduction in the operating funds of the Department in the amount of two percent (2%) of the total amount assessed for the violation of the Shakman Consent Decree and the deducted funds shall be transferred to the Cook County Self Insurance Fund.

A motion was made by Commissioner Suffredin, seconded by Commissioner Gainer, that Chairman Silvestri, Vice Chairman Fritchey and Commissioners Gainer and Schneider be added as Co-Sponsors to the Substitute to Item 13-2213. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

A motion was made by Commissioner Suffredin, seconded by Commissioner Gainer, that Item 13-2213 be deferred to the Finance Subcommittee on Litigation Meeting on March 11, 2014. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to authorize invoice payments for special counsels in Tab #1 through Tab #6 in Volume 2 which are in compliance with Cook County's Attorney-Fee Guidelines. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Gainer, seconded by Commissioner Schneider, moved to Receive and File the Litigation Subcommittee Case Disposition Report. The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Suffredin, seconded by Commissioner Gainer, moved to Concur with the Recommendation of the State's Attorney's Office in the matter of *Carol Rios for Simon Rios v. County of Cook* (Communication No. 10 L 8852). The motion failed by the following vote:

Aye: Commissioners Gainer and Suffredin (2)

Nay: Chairman Silvestri, Vice Chairman Fritchey, and Commissioner Schneider (3)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to Concur with the Recommendation of the State's Attorney's Office in the matter of *Michael Grills (Estate of Baby Grills) v. County of Cook* (Communication No. 12 L 13700). The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to Concur with the Recommendation of the State's Attorney's Office in the matter of *Mykala Dandridge, et al. v. County of Cook* (Communication No. 11 L 276). The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to Concur with the Recommendation of the State's Attorney's Office in the matter of *Fields & Chandler v. Cook County, et al.* (Communication No. 12 L 13622). The motion carried by the following vote:

Aye: Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider and Suffredin (5)

Absent: Commissioner Collins and Tobolski (2)

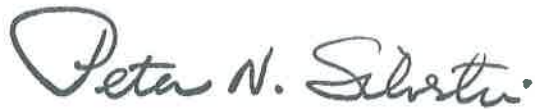
Commissioner Gainer, seconded by Vice Chairman Fritchey, moved to Adjourn. The motion carried unanimously and the meeting was adjourned.

SECTION 2

YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTIONS WITH REGARD TO THE MATTERS NAMED HEREIN:

| | |
|---------------------|---|
| Item No. 13-2213 | Recommended for Deferral to Next Finance Subcommittee on Litigation Meeting |
| Case No. 10 L 8852 | Not Recommended for Approval |
| Case No. 12 L 13700 | Recommended for Approval |
| Case No. 11 L 276 | Recommended for Approval |
| Case No. 12 L 13622 | Recommended for Approval |

FINANCE SUBCOMMITTEE ON LITIGATION



PETER N. SILVESTRI, CHAIRMAN

ATTEST:


MATTHEW B. DeLEON, SECRETARY

*An audio recording of this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602